

Application No.: 09/765,606  
Reply to Office Action of: June 24, 2003  
Amendment Dated: November 21, 2003

### **REMARKS**

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The present invention as set forth in **amended Claim 1** relates to a cosmetic composition, which comprises the following components (A) and (B):

(A) arginine; and

(B) at least one sesquiterpene alcohol selected from the group consisting of vetiverol, patchouli alcohol, guaiol, cedrol and mixtures thereof;

**said component (B) being present in an amount effective for improving moisture loss of skin.**

There is no suggestion or motivation to combine Shoji (JP122424/1997) and Tada (JP410036247) to obtain the claimed composition.

Shoji describes a cosmetic composition which may include amino acids such as arginine (i.e., at page 6, paragraph [0124] of the English translation of Shoji). Tada describes melanin inhibiting compositions which include sesquiterpene alcohols such as guaiol or cedrol (i.e., paragraphs [0009] and [0013] of Tada). However, there is no disclosure or suggestion in Tada to include cedrol **in an amount effective for improving moisture loss of skin**, as presently claimed. Thus, there is no motivation to combine the compositions of Shoji (JP122424/1997) and Tada (JP410036247).

In addition, Shoji describes many different compositions most of which lack the arginine component of the claimed cosmetic composition, and therefore the claimed composition is not suggested by the combination of Shoji and Tada.

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Therefore, the rejection of Claims 1, 3, 4 and 12 under 35 U.S.C. §103(a) as being unpatentable over Shoji et al (JP 122424/1997) in view of Tada (JP 410036247) is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

In addition, the rejection of Claims 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Shoji et al (JP 122424/1997) in view of Tada (JP 410036247) and further in view of Herstein (US 5,616,332) is respectfully traversed.

Herstein describes cosmetic compositions which have a pH of from 4.5 to about 6.0 (i.e., col. 7, line 3). However, this reference also fails to cure the defects of Shoji (JP122424/1997) and Tada (JP410036247). There is no motivation to combine Shoji et al (JP 122424/1997), Tada (JP 410036247) and Herstein (US 5,616,332) to obtain a cosmetic composition having cedrol in an **amount effective for improving moisture loss of skin**, as presently claimed.

Therefore, the rejection of Claims 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Shoji et al (JP 122424/1997) in view of Tada (JP 410036247) and further in view of Herstein (US 5,616,332) is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

In addition, Applicants wish to point out that none of the cited references disclose or suggest the cosmetic compositions as claimed in new Claim 15 having the claimed amounts of (A) and (B).

The rejection of Claim 12 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, is obviated by the amendment of Claim 12.

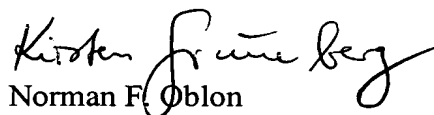
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Applicants respectfully request that the Examiner acknowledge that the references cited in the **Information Disclosure Statements**, filed in the above-identified application on **September 12, 2001, July 15, 2003 and the IDS filed herewith**, have been considered. For the Examiner's convenience a copy of Form PTO 1449 as filed on **September 12, 2001, and July 15, 2003** are attached herewith.

This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

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Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 202135US0		SERIAL NO. 09/765,606	
LIST OF REFERENCES CITED BY APPLICANT <div style="position: absolute; top: 100px; left: 150px; border: 1px solid black; border-radius: 50%; padding: 5px; transform: rotate(-45deg); font-weight: bold;">           RECEIVED            NOV 21 2003            PATENT &amp; TRADEMARK OFFICE         </div>				APPLICANT Hiroshi NOJIRI, et al.			
				FILING DATE January 22, 2001		GROUP 1619	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	AA						
	AB						
	AC						
	AD						
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	AN						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO		
	AO	0 714 655	06/05/96	EUROPE		X	
	AP	WO 99/33443	07/08/99	WIPO			
	AQ	WO 97/46246	12/11/97	WIPO (with English Abstract)		X	
	AR						
	AS						
	AT						
	AU						
	AV						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
/	AW	Patent Abstracts of Japan, JP 10-279417, October 20, 1998					
	AX	Derwent Abstracts, JP 11-049646, February 23, 1990					
	AY	Derwent Abstracts, JP 61-033129, February 17, 1986					
	AZ						
Examiner					Date Considered		
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 202135US0		SERIAL NO. 09/765,606	
LIST OF REFERENCES CITED BY APPLICANT				APPLICANT Hiroshi NOJIRI, et al.			
				FILING DATE January 22, 2001		GROUP 1617	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,484,597	01/16/96	C. S. SLAVTCHEFF, et al.			
	AB						
	AC						
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<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION		
					YES	NO	
	AO	11-139955	05/25/99	JAPAN (with English Abstract)		X	
	AP	10-279417	10/20/98	JAPAN (with English translation)			
	AQ	9-500890	01/28/97	JAPAN (with English Abstract and corr. US 5,484,597)		X	
	AR	2000-95667	04/04/2000	JAPAN (with English Abstract)		X	
	AS	2000-119155	04/25/2000	JAPAN (with English Abstract)		X	
	AT	2001-192339	07/17/2001	JAPAN (with English Abstract)		X	
	AU						
	AV						
<b>OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	AW						
	AX						
	AY						
	AZ					<input type="checkbox"/> Additional References sheet(s) attached	
Examiner					Date Considered		
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							